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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,229	03/31/2004	Karl Pfleger	0026-0073	3872
44989      7590      01/12/2009 HARRITY & HARRITY, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030				
EXAMINER				
WOO, ISAAC M				
ART UNIT		PAPER NUMBER		
2166				
MAIL DATE		DELIVERY MODE		
01/12/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/813,229

**Applicant(s)**

PFLEGER, KARL

**Examiner**

ISAAC M. WOO

**Art Unit**

2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-14, 16, 19 and 59-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16, 19 and 59-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB008)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to Applicant's Amendments, filed on November 07, 2008 have been considered but are deemed moot in view of new ground of rejections below.
2. Claims 1-5, 7-13, 16, 19 and 59 are amended. Claims 60-71 are newly added. Claims 6, 15, 17-18, 20-58 are canceled. Claims 1-5, 7-14, 16, 19 and 59-71 are pending.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7-14, 16, 19 and 59-71 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwok (U.S. Pub. No. 2004/0006556).

With respect to claims 1, 19 and 59, Kwoh teaches receiving, from a user, one or more search queries that include one or more search terms (fig. 4, sections 0033-0037); receiving, from the user, information associated with one or more search characteristics (fig. 4, sections 0033-0037); searching stored data, based on the one or more search terms, to generate results (fig. 4, sections 0033-0037); and providing a document that includes a multi-dimensional graph of the identified results, (abstract, fig. 5-13, sections 0033-0053), at least one of the one or more search characteristics being represented as a dimension on the multi-dimensional graph (abstract, fig. 5, sections 0039-0046), where one of the identified results is represented by an image on the multi-dimensional graph (fig. 5-13, sections 0033-0053).

With respect to claim 2, Kwoh teaches the identified results of the searching are sorted by relevance (fig. 5-13, sections 0033-0053).

With respect to claim 3, Kwoh teaches the one or more search queries are inferred from actions taken by the user other than entering one or more explicit search queries (fig. 5-13, sections 0033-0053).

With respect to claims 4 and 63, Kwoh teaches, where the actions taken by the user comprises past browsing activity of the user (fig. 5-13, sections 0033-0053).

With respect to claim 5, Kwoh teaches the one or more search queries are selected from a list of multiple search queries (fig. 5-13, sections 0033-0053).

With respect to claim 7, Kwoh teaches the one of the identified result is represented on the multi-dimensional graph by text (fig. 5-13, sections 0033-0053).

With respect to claims 8 and 65, Kwoh teaches a second dimension of the multi-dimensional graph comprises relevance (fig. 5-13, sections 0033-0053).

With respect to claims 9 and 61, Kwoh teaches the at least one search characteristics comprise one of recency, price, dates, image quality, image size or geographic distance (fig. 5-13, sections 0033-0053).

With respect to claims 10 and 66, Kwoh teaches the multi-dimensional graph comprises a two-dimensional graph (fig. 5-13, sections 0033-0053).

With respect to claims 11 and 67, Kwoh teaches a scaling of an axis corresponding to the at least one dimension is non-linear (fig. 5-13, sections 0033-0053).

With respect to claims 12 and 12, Kwoh teaches at least a portion of the axis corresponding to the at least one dimension comprises a logarithmic scale (fig. 5, sections 0039-0046).

With respect to claims 13 and 13, Kwoh teaches none of the dimensions of the multidimensional graphic corresponds to relevance (fig. 5, sections 0039-0046).

With respect to claims 14 and 14, Kwoh teaches receiving user input to selectively alter a resolution of a dimension of the multi-dimensional graph (fig. 5, sections 0039-0046).

With respect to claim 16, Kwoh teaches a fixed number of results are displayed on each page of the document (fig. 5, sections 0039-0046).

With respect to claim 60, Kwoh teaches one or more search characteristics are represented as separate dimensions on the multi-dimensional graph pages (fig. 5, sections 0039-0046).

With respect to claim 62, Kwoh teaches information inferred from actions taken by the user other than entering the one or more search terms (fig. 4, sections 0033-0037).

With respect to claim 64, Kwoh teaches one of an icon or text (fig. 4, sections 0033-0037).

With respect to claim 71, Kwoh teaches the document spans multiple pages and where a fixed number of identified results are displayed on each page of the multiple pages (fig. 4, sections 0033-0037).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC M. WOO whose telephone number is (571)272-4043. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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